

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JOHNNY NORA,)	NO. CV 10-1675 VAP (SS)
)	
Plaintiff,)	
)	ORDER MODIFYING AND ADOPTING
v.)	
)	FINDINGS, CONCLUSIONS AND
JASON SCHWAB, ARON ALGREN,)	
)	RECOMMENDATIONS OF UNITED STATES
Defendants.)	MAGISTRATE JUDGE
_____)	

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Complaint, all of the records and files herein, the Magistrate Judge's Report and Recommendation, and Plaintiff's Objections. After having made a de novo determination of the portions of the Report and Recommendation to which Objections were directed, the Court concurs with and adopts the findings, conclusions and recommendations of the Magistrate Judge, with the following modifications:

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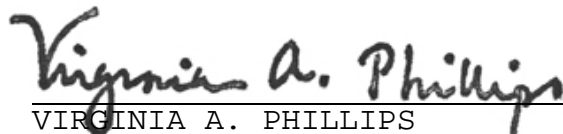
1 The Court finds that amendment of the Complaint would be futile.
2 The gravamen of Plaintiff's Complaint is that he was unlawfully arrested
3 and prosecuted because police officers "planted evidence." Plaintiff is
4 challenging the validity of his conviction. Until that conviction is
5 overturned or otherwise found invalid, Plaintiff cannot bring a civil
6 rights action based upon alleged due process violations. Accordingly,
7 no amendment of the Complaint would correct the deficiencies. In
8 addition, the Court concludes that the action should be dismissed
9 without prejudice.

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11 Accordingly, IT IS ORDERED THAT:

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13 1. Judgment shall be entered dismissing this action without
14 prejudice.

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16 2. The Clerk shall serve copies of this Order and the Judgment
17 herein by United States mail on Plaintiff.

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19 DATED: April 12, 2010

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22 VIRGINIA A. PHILLIPS
23 UNITED STATES DISTRICT JUDGE
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